

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

HERMAN WOODEN,

Petitioner,

vs.

CIVIL ACTION NO.: CV209-110

WARDEN, FSL, Jesup, and
ALL UNIT TEAM MEMBERS AT
FSL - JESUP,

Respondents.

OR D E R

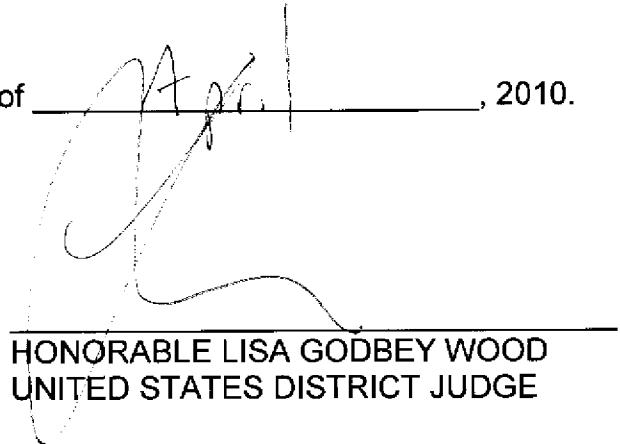
After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. In his Objections, Wooden asserts that the Magistrate Judge mischaracterized the relief he seeks from this Court. Wooden asserts that he did not request that this Court order the Bureau of Prisons ("BOP") to transfer him to a facility closer to his mother. Rather, Wooden asked this Court to enter an order pursuant to Federal Rule of Civil Procedure 65 compelling the BOP to follow its own rules and decisions.

Rule 65 pertains to the issuing of injunctions and restraining orders, and, thus, does not provide Wooden with his requested relief. In addition, Rule 37, which does pertain to motions to compel, is used in discovery disputes between parties to litigation

and is not applicable. Further, even accepting that Wooden merely wants this Court to direct the BOP to follow its directive of granting Plaintiff's administrative remedy request, he is not entitled to this relief. The administration of federal penal institutions is left to the BOP, and this Court cannot compel the BOP's actions. 28 C.F.R. §§ 0.96(c) and (o) (the Director of the BOP is authorized to designate places of imprisonment or confinement and to promulgate rules governing federal penal and correctional institutions).

The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. The portion of Wooden's petition seeking habeas corpus relief pursuant to 28 U.S.C. § 2241 is **DENIED**. The remaining portions of Wooden's petition are **DISMISSED**, without prejudice. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 5 day of April, 2010.


HONORABLE LISA GODBEY WOOD
UNITED STATES DISTRICT JUDGE